

REMARKS/ARGUMENTS

Claims pending in the instant application are numbered 1-10 and 15-18. Claims 1-10 and 15-18 presently stand rejected. The drawings have been objected to. The specification and Figure 5 has been amended herewith. The Applicants respectfully request that the amendment be entered and that instant application be reconsidered in view of the following remarks.

Drawings

In the June 14, 2005 Office Action, the drawings are objected to under 37 CFR § 1.83(a) because the drawings are to show every feature of the invention specified in the claims. In particular, the June 14, 2005 Office Action points out that “the insulating material between the first and second windings and a third winding would around the external surface of the magnetic element [figure 5] must be shown”

Accordingly, the Applicants have amended Figure 5 to show the insulation and the third winding. No new matter has been added with these amendments. Indeed, support for the insulation can be found in the specification as originally filed on at least page 14, lines 8-10, and/or page 16, lines 4-8. Support for the third winding can be found in the specification as originally filed on at least page 15, lines 11-16.

Specification

The Applicants have amended the specification in an earnest effort to update the specification to be consistent with the drawings as amended above. For example, page 15, line 11, of the specification originally stated that the third winding was “(not shown).” However, in light of the drawing amendment to Figure 5 as summarized above, the third winding is now shown after all. The specification has therefore been updated accordingly.

35 U.S.C. § 102 and 103 Rejections

In the June 14, 2005 Office Action, claims 1-4, 6-9 and 15-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tolle et al., US Patent Application Publication No. 2004/0164834 (hereinafter Tolle). In addition, the June 14, 2005 Office Action also rejects claims 5 and 18 as being unpatentable over Tolle. Claim 10 is rejected as being unpatentable over Tolle in view of Chen, US Patent No. 5,124,681 (hereinafter Chen).

With regard to a rejection under 35 U.S.C. § 102, MPEP § 2131.01 sets forth that

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

With regard to a rejection under 35 U.S.C. § 103, MPEP § 2143.03 sets forth that

If an independent claim is nonobvious under 35 U.S.C. 103, than any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In order to support a 35 U.S.C. § 102(e) rejection, the reference must be a proper 35 U.S.C. § 102(e) reference. The Tolle was published August 26, 2004, but has a PCT filing date of July 1, 2002. The Applicants respectfully submit that Tolle does not qualify as a reference under 35 USC § 102(e) because Tolle does not have an effective PCT filing date that is before the date of invention by the Applicants, as required under 35 USC § 102(e). Indeed, the Applicants respectfully submit that the presently claimed invention has a date of invention that precedes the effective PCT filing date of Tolle.

To evidence this fact, the Applicants hereby submit the attached Declarations Pursuant to 37 CFR § 1.131 and accompanying Exhibits of William M. Polivka and David Michael Hugh Matthews and of James Y. Go. The Declaration and Exhibits establish that the Applicants conceived the presently claimed invention prior to the effective date of Tolle,

and reduced the presently claimed invention to practice with due diligence from a date prior to the effective date of Tolle to July 9, 2003, the filing date of the present patent application.

Therefore, the Applicants respectfully submit that Tolle is not a proper prior art reference under 35 USC § 102(e). Accordingly, the Applicants respectfully submit that the instant rejections of claims 1-9 and 15-18 in view of Tolle are moot.

Claim 10 depends from claim 9, which depends from claim 7, which depends from independent claim 1. Therefore, the Applicants respectfully submit that claim 10 is allowable by virtue of its dependency from claims 1, 7 and/or 9 since claim 10 includes all of the limitations of the independent base claim and any intervening dependent claim, in addition to adding further limitations of its own.

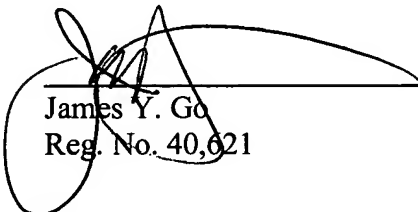
If there is a deficiency in fees, please charge our Deposit Acct. No. 02-2666.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Date: 12-14-05


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Attachments

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 5. This sheet, which includes Figures 5, replaces the original sheet including Figure 5. In Figure 5, the previously omitted insulation and third winding have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes